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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,136	10/04/2001	Susie J. Wee	HP-10018127	3653

7590 04/29/2005

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EXAMINER	
GURSHMAN, GRIGORY	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/972,136	WEE ET AL.	
	Examiner	Art Unit	
	Grigory Gurshman	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/04/01, 6/09/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The terms "scalably encoded" and "progressively encrypted" in claims 1, 14 and 27 are relative terms which renders the claims indefinite. The term "scalably encoded" and "progressively encrypted" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant needs to specify the difference between "scalable encoding" vs. conventional encoding and "progressive encryption" vs. regular encryption.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-17, 20-30, 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (U.S. Patent No. 6.005.620).

5. Referring to the instant claims, Yang discloses a statistical multiplexer for live and pre-compressed video (see abstract and Fig. 4). Yang teaches that a video signal

is provided to a conventional quantizer 64 which compresses the video signal by reducing a number of data bits from the transform coefficients based upon the magnitude of a quantizing factor, referred to generally as a compression factor, provided to the quantizer 64 via the line 56 from the controller 42. The video signal is then encoded by an encoder 68 in a conventional manner, and if necessary or desired, the video signal may be encrypted by an encrypter 70. The video signal is then converted into data packets suitable for broadcast transmission by a packetizer 72 (see column 3, lines 52-62 and Fig. 3).

6. Referring to the independent claims1, 14 and 27, the limitation "receiving a stream of data from an encoding and encrypting device" is met by Fig. 3 (units 68 and 70). The limitation "packetizing at least a second portion of the data into secure and scalable data packets" is met by teaching that the video signal is then converted into data packets suitable for broadcast transmission by a packetizer 72 (see column 3, lines 52-62). The packetizer is coupled to encoder and encrypter (see Fig. 3). Referring to limitation "data scalably encoded and progressively encrypted", it is inherent to use scalable encoding for effective decoding of data, and encryption of stream of data is always progressive as it is done by increments (frames for example).

7. Referring to claims 2, 15 and 28, Yang shows that data output from encoding and encrypting devices is received in the real time.

8. Referring to claims 3, 8, 16, 21, 29 and 34, Yang shows the use of buffers (48 in Fig. 4) for storage of data.

9. Referring to claims 4, 17 and 30, Yang teaches that stream data is a video data (see Fig. 1).

10. Referring to claim 9, 22 and 35, Yang shows storing packetized data in the video memory (38 in Fig. 4).

11. Referring to claims 10, 23 and 36, it is inherent to have a packetizer coupled to the transmitter for transmitting the pockets to downstream device.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 5, 6, 7, 18, 19, 31, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (U.S. Patent No. 6.005.620) in view of Jessup (U.S. Patent No. 5.581.706).

14. Referring to the instant claims, Yang discloses a statistical multiplexer for live and pre-compressed video (see abstract and Fig. 4). Yang teaches that a video signal is provided to a conventional quantizer 64 which compresses the video signal by reducing a number of data bits from the transform coefficients based upon the magnitude of a quantizing factor, referred to generally as a compression factor, provided to the quantizer 64 via the line 56 from the controller 42. The video signal is

then encoded by an encoder 68 in a conventional manner, and if necessary or desired, the video signal may be encrypted by an encrypter 70. The video signal is then converted into data packets suitable for broadcast transmission by a packetizer 72 (see column 3, lines 52-62 and Fig. 3). Yang, however does not teach streaming data comprising header data and payload data allowing the transcoder to transcode the data packets.

Referring to the instant claims, Jessup discloses a method forming an audio/video (see abstract). Jessup teaches a method and apparatus for generating an interactive component data stream, representing an application program, for an audio video interactive (AVI) composite signal (see abstract and Fig 1). Jessup shows that the header data is packetized into a single packet of a special type called a header or auxiliary packet. Second, module data from the record of the module file 112 pointed to by the module pointer is retrieved from the module file 112, and supplied to the transport packetizer 20 (see Fig. 1, Fig. 5, 112). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to have packetizer receiving a stream data from encoding and encrypting devices of Yang and have the stream data consisting of header data and payload data as taught in Jessup. One of ordinary skill in the art would have been motivated to have packetizer receiving a stream data from encoding and encrypting devices and have the stream data consisting of header data and payload data as taught in Jessup for providing scheduling data for the modules (see Jessup, column 1, lines 60-65).

15. Referring to claims 7, 20 and 33, Jessup teaches the use of unencrypted header. However, it is well known in the art to use encrypted headers. One of ordinary skill in the art would have been motivated to use encrypted packet headers for securing the important information related to payload data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG

Grigory Gurshman
Examiner
Art Unit 2132

GILBERTO BARRÓN JR.
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